

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TREMAINE WINDHAM,

Defendant.

8:14CR186

ORDER

Defendant Tremaine Windham appeared before the court on July 26, 2018 on an Amended Petition for Offender Under Supervision [170]. The court will dismiss the Petition for Offender Under Supervision [165] pursuant to the government's oral motion and proceed with the Amended Petition [170]. The defendant was represented by Assistant Federal Public Defender Michael F. Maloney, and the United States was represented by Assistant U.S. Attorney John E. Higgins.

The government moved for detention. A detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Senior Judge Bataillon.

The defendant requested a preliminary examination be held at a later date.

IT IS ORDERED:

1. The Petition for Offender Under Supervision [165] is dismissed on the oral motion of the government.
2. A preliminary examination will be held before Magistrate Judge Nelson in Courtroom No. 6, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on August 2, 2018, at 10:00 a.m. The defendant must be present in person.
3. The defendant, Tremaine Windham, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
4. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

5. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 26th day of July, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge